

MINUTES

UTAH Dentist/Dental Hygienist Licensing Board March 14, 2008

**Room 474 – 4th Floor – 8:15 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:25 a.m.

ADJOURNED: 11:55 a.m.

Bureau Manager:
Secretary:
Division Director:
Division Staff:

Laura Poe
Shirlene Kimball
F. David Stanley
Connie Call, Compliance Specialist
Kent Barnes, Division Project manager

Conducting:

Anna Policelli, RDH

Board Members Present:

Anna Policelli, RDH
Alexander Larsen, DDS
Rich Radmall, DDS
Brent Larson, DDS

Board Members Excused:

James Ence, DDS
Stephen Morgan, DDS
Pamela Jolley, public member
Brian Lundberg, DDS
Karen Bateman, RDH

Guests:

Richard Engar, DDS

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

Introduction of Laura Poe, Bureau Manager

DECISIONS AND RECOMMENDATIONS

Mr. Stanley introduced Ms. Poe to the Board. Mr. Stanley indicated Ms. Poe has been with the Division for 15 years and will be a great asset to the Board. Ms. Poe explained her background and stated she is looking forward to working with the Dental/Dental Hygienist Board. Ms. Poe indicated her door is always open and if Board members have any questions or suggestions, please let her know.

Board meeting schedule:

Ms. Poe indicated she had changed the Board meeting dates to the 2nd Friday of the month, but has since learned that Dr. Lundberg will not be able to attend 6

of those meetings due to examinations that have already been scheduled for the year. Ms. Poe indicated she would be willing to readjust the schedule for this year, then, beginning January 2009 move the meetings to the 2nd Friday of the month. Ms. Poe and Board members discussed the schedule and determined the following meeting dates: April 18, 2008 (third Friday); May 16, 2008 (third Friday); June 13, 2008 (second Friday); July 11, 2008 (second Friday and this meeting may be canceled); August 15, 2008 (third Friday); September 19, 2008 (third Friday); October 10, 2008 (second Friday); November 14, 2008 (third Friday) and December 12, 2008 (second Friday and this meeting may be canceled).

January 18, 2008 Minutes:

The minutes were tabled until a quorum is present.

Connie Call, Discipline Specialist
Discipline Reports:

Ms. Call reported the following:

-Bret Tucker will need to submit his PIR attendance cards and clarification regarding prescriptions written under his name. Dr. Tucker has been on probation for 5 years and the Board has the option to terminate or extend the probation, or issue a limited license.

-Brent Sonnenberg: Ms. Call reported she could not find 12-Step, PIR or aftercare reports in the file. The tracking sheet indicated these reports had been received and the minutes reflect the reports were received. Ms. Poe indicated if Dr. Sonnenberg states he has submitted the reports, the Division will consider him in compliance with the Order.

- Rod Slater: Ms. Call reported PIR attendance cards have not been received since October. The October reports were not signed and the Division has no validation he has been attending the meetings. Ms. Poe expressed concern with the letter from Dr. Boehme, the supervising dentist, indicating he is allowing the dental assistants to call in a prescription under his name for Dr. Slater's patients when he has no knowledge of the patient and it is clear that Dr. Slater is the prescribing practitioner. Ms. Call reported Dr. Slater has not submitted therapist reports, missed calling CVI and has missed several urine screens. He also needs to clarify the prescriptions on the controlled substance database written in his name.

-Rod Gardner canceled and will be rescheduled for next month.

-Perry Fifield has not submitted an employer report (he needs to submit the report indicating he is not employed as a dentist) and there are no continuing education hours in the file. It appears he has only completed 69 out of 96 community service hours. He should have had the community service hours completed. Ms. Call stated the Division will let him know he has until July 1, 2008 to complete the hours. Ms. Call reported he still owes \$1051.00 in fines.

Bret Tucker, DDS
Probation Interview:

Dr. Radmall conducted the interview. Dr. Radmall indicated the Division has not received clarification regarding prescriptions appearing on the controlled substance data base report written under his name. Dr. Tucker stated he thought this issue was cleared up. He stated he had contacted the pharmacist and the pharmacist was to contact Mr. Jones. Ms. Poe stated the file does not contain a record regarding the discussion with the pharmacist or with Mr. Jones. Ms. Poe contacted Mr. Jones and Mr. Jones verified he had spoken with the pharmacist and the prescription issue discussed at the November 16, 2007 meeting had been resolved. Ms. Poe stated the minutes will reflect the prescription issue from the November 16, 2007 meeting has been cleared; however, Dr. Tucker needs to be aware if subsequent prescriptions appear on the controlled substance data base, he will need to address those prescriptions.

Dr. Tucker stated he does not have PIR attendance cards because he left the cards in his pant pocket and then washed the pants. Board members indicated he will need to have the cards resigned and submitted as soon as possible. Dr. Tucker's Order indicated he needed to meet with the Board 90 days prior to the end of the MOU to discuss conditions of limited practice. The conditions/restrictions may remain or be modified. Dr. Radmall stated action regarding termination or modification of probation will not be taken until he has submitted the attendance cards and is in compliance with his Order. Dr. Tucker indicated he would like to have his controlled substance license returned and Ms. Poe informed Dr. Tucker he would need to submit a controlled substance license application. Ms. Poe indicated the Board has four options to consider in this case: (1) the probation

could be terminated after receipt of the attendance cards and full license returned; (2) the license could be issued with restrictions; (3) an unrestricted license without controlled substances could be issued; or (4) terminate probation and issue a limited controlled substance license for schedules 3-5 only. Discussion: Ms. Policelli stated Dr. Tucker has been on probation for 5 years and it would be unfair to continue his probation. Dr. Larson indicated Dr. Tucker has been in compliance a majority of the time and questioned whether or not we could terminate probation, issue the controlled substance license with schedules 3-5, but require him to submit triplicate prescriptions. Ms. Poe stated if the probation is terminated, we can not require him to submit triplicate prescriptions. Dr. Tucker stated he would be willing to have his office maintain the triplicate prescriptions and would welcome a Division investigator look at those prescriptions. Dr. Tucker stated his plan is to remain working at the truck stop.

Dr. Tucker is out of compliance until the PIR attendance cards are received. Board members recommend upon receipt of the PIR attendance cards, the Division terminate probation. If Dr. Tucker submits the controlled substance application, he would be issued a license limited for Schedules 3-5.

Brent Sonnenberg, DDS
Probation Interview:

Dr. Larson conducted the interview. Dr. Larson indicated the 12-step, PIR and aftercare reports are not in the file. Dr. Sonnenberg stated he submits his 12-step and PIR attendance cards at the time he meets with the Board. He stated he attends aftercare through Recovery Bridge and Joe Broberg is the facilitator. Dr. Sonnenberg stated he was not aware Mr. Broberg had not submitted the aftercare reports. Ms. Call requested Dr. Sonnenberg submit a brief note of when he attended 12-step and PIR meetings. Ms. Call also informed Dr. Sonnenberg he needs to submit all required documentation by the 1st of the month he is scheduled to meet with the Board. Dr. Larson noted there is a letter from the physician indicating he has completed his physical evaluation. Dr. Sonnenberg reported his practice is slow, but going well. He stated he deals with stress by exercising everyday. He missed a drug screen on December 19, 2007 and

Rodney Slater, DDS
Probation Interview:

indicated he called in however, the phone lines were not working and he called and spoke with Ms. Harry. Dr. Sonnenberg questioned whether or not he could be tested less frequently. Ms. Poe indicated the urine screens are on a random basis. Dr. Sonnenberg will be invited to meet with the Board in June. **He is currently out of compliance and needs to submit the aftercare report.**

Ms. Policelli conducted the interview. Ms. Call informed Dr. Slater he will need to have his reports submitted by the 1st of the month. His 12-Step and PIR meeting attendance cards must be signed and need to include the dates he attended the meetings. Dr. Slater stated in the past the Board accepted his cards without a signature, but he would have them signed from now on. He stated he attends PIR meetings on Monday and his church 12-step meetings on Wednesday. He stated he meets with Dr. Crookston monthly; however, Dr. Crookston does not submit reports. He stated he does not attend aftercare because the treatment program did not recommend aftercare. Dr. Slater was provided with a therapist report form and PIR/12-step attendance cards. Dr. Slater missed drug testing January 2 and February 5, 2008 and missed calling CVI November 4 and 11, 2007 and January 6 and 26, 2008. Dr. Slater stated he submitted a letter of explanation in February indicating he forgot to call because he went skiing, was moving, or had a lot going on and it was not a priority to call. Ms. Poe indicated if he wants to continue to keep his license and work, complying with all terms of the Order should be his priority. Dr. Slater was questioned regarding the Controlled Substance data base which indicated five prescriptions were written under his name. He stated he knows nothing of them and at his place of practice the assistants call in the prescriptions and uses Dr. Boehme's DEA number. Ms. Poe informed Dr. Slater if he is using Dr. Boehme's DEA number, he is breaking federal law. The assistants call in the prescriptions, but he authorizes the prescriptions and he does not have a license to prescribe. Dr. Boehme needs to be made aware that he is the one authorizing the prescription and is the one responsible. Board members urged Dr. Slater to make sure he reviews the proper procedure with his staff,

and make sure the prescription is actually from Dr. Boehme. Board members reviewed the controlled substance data base report with Dr. Slater. The report indicates patient SL is receiving a large amount of hydrocodone. Dr. Slater stated a lot of patients are quite tolerant of hydrocodone. Dr. Larson informed Dr. Slater he needs to be aware of the amount of medication being prescribed and if a patient is receiving a large amount of medication, he needs to monitor the prescriptions closely. Board members requested Dr. Slater submit clarification regarding the prescriptions. He stated he will talk to the pharmacist and do his best but stated he can not guarantee he will have the information by his next meeting. Dr. Slater indicated Dr. Boehme has another practice in Missouri and may be moving there. If he moves, Dr. Kent Turner stated he would be willing to be the supervising dentist. Dr. Turner works in Orem and is aware of the Order. Dr. Larson stated if the supervisor changes, the supervisor would need to meet with the Board to discuss supervision.

Dr. Slater stated he completed the treatment program in Mississippi and his personal life is going well. He relieves stress by exercising, playing tennis with his wife and is more active in church. He stated he has not changed medications and has the same prescribing physician. He stated he would like to clear up the Arizona action, and hopefully will do this once he completes the Utah requirements.

Dr. Slater is out of compliance with the terms and conditions of his Order. He needs to have Dr. Crookston submit documentation of therapy and submit clarification regarding prescriptions that appear on the controlled substance data base under his name. Dr. Slater will be scheduled to meet with the Board in June.

Perry Fifield, DDS
Probation Interview:

Dr. Larsen conducted the interview. Dr. Fifield stated jobs are impossible to find and indicated he is seeing a few patients at Alan Hibler's office in Bountiful. Dr. Fifield indicated he rents space from Dr. Hibler and pays a percentage of his fees for the use of the office. He indicated this is an associate type of arrangement. Dr. Fifield stated he goes into the office two days a

week, sometimes more if there is an emergency. Board members requested that Dr. Hibler observe Dr. Fifield's practice and submit a quarterly report to the Board. Dr. Fifield stated he has completed 28 continuing education hours and needs to complete two additional hours. He stated he completed 96 hours in Dr. Rasmussen's office. He stated he has completed 96 community service hours at Donated Dental Care. Board members indicated the 96 hours completed in Dr. Rasmussen's office will not count toward the community service hours. He stated he has not prescribed controlled substances since April 2006 and does not have a log to submit. He stated he prescribes Tylenol instead of controlled substances for pain. **Dr. Fifield is out of compliance with the terms and conditions of his Order** and needs to follow up with Dr. Hibler and have a report submitted. He needs to submit an additional two hours of continuing education and documentation of completion of his community service hours. Ms. Call will prepare a letter outlining what Dr. Fifield needs to do to come into compliance with the terms and conditions of his Order.

Debbie Tranmer, DDS
Applicant:

Ms. Tranmer submitted an application for licensure and answered yes to questions number 9, 11, 13, 25 and 27 on the qualifying questionnaire. Ms. Tranmer indicated she was in solo practice in Idaho and had several complaints made regarding her practice. She indicated the complaints received by the Idaho Board were from a patient who she had referred to a periodontist. The patient returned to her in pain and she told the patient she could not see her again because the patient was not following instructions. The other complaint was from a welfare patient who had been seen once, was scheduled to be seen again, did not appear at the scheduled appointment time, but came into the office after Dr. Tranmer had left for an out of state seminar. The Idaho Board charged her with negligence in this case. Dr. Tranmer stated about this same time she was in an accident and was unable to use her right hand. She stated she never used controlled substances and had no other problems. Dr. Tranmer stated she was in rehab to restore the use of her hand when Idaho asked her to surrender her license because they were concerned with her ability

to use her hand. On the advice of her attorney, she surrendered her license. She stated she agreed to stop practicing and to attend an ADA Dental school remediation program, submit a letter of proficiency and complete an ethics course. She stated she did the remediation coursework, but there was a controversy because a video tape made during the coursework did not refer to her by name. Dr. Tranmer stated an Idaho Pharmacy Board investigator came to her office while she was copying patient records to be forwarded as requested by her patients and she was charged with practicing without a license. She indicated the charge was dismissed after a plea in abeyance. Dr. Tranmer stated she got into an argument regarding the charge of practicing without a license and the Board thought she was defiant. Her controlled substance license was surrendered and in the document she agreed she would not reapply for licensure for a period of 5 years.

Dr. Tranmer stated she has not worked as a dentist for five years. She indicated in 2003 she took the Northeastern Regional Exam but is not re-applying for the Idaho license because she would have to take the WREB examination and does not have the money to apply for this exam. Dr. Tranmer stated her goal would be to practice in Utah or the military. Dr. Larson indicated there are a lot of question that need to be resolved and he is not comfortable making a recommendation without more information. It appears she is trying to bypass the system in Idaho. In the past, the Board has required other individuals to return to the state where the action took place. Dr. Tranmer has been out of practice more than 5 years and she needs to resolve the issues in Idaho before she could be licensed in Utah. Ms. Policelli stated she agrees with Dr. Larson and Dr. Tranmer should consider re-applying to the Idaho Board. The application was tabled.

Break at 11:00 a.m. Reconvened at 11:15 a.m.

Legislative update:

Ms. Poe reported on SB 174 that eliminated the language in the Dentist and Dental Hygienist Practice Act, section 58-69-302(1)(d)(ii) regarding dental schools located outside of the U.S. Ms. Poe presented proposed rule changes regarding this issue.

Section R156-69-302a of the Rules regarding equivalency for foreign programs will be eliminated. These programs will have to go through ADA for accreditation. Ms. Poe indicated that since this change was being proposed, a clean up to the rules needed to be made in Section 603(11)(a). Ms. Poe questioned whether or not the dental assistant needed to complete a dental assisting course **and** pass the DANB, or a radiology exam approved by the Board. Or if the rule should read, complete a dental assisting course **or** pass the DANB or a radiology exam approved by the Board. Board members indicated the word should be “or”.

Richard Engar also requested a change to the continuing education section to require specific continuing education in ethics. Ms. Poe indicated the Board would have to study the issue and make a recommendation. This discussion will be placed on the agenda for next month.

Ms. Poe also presented information from the American Dental Society of Anesthesiology regarding credentialing of dentists to administer sedation and general anesthesia. Ms. Poe stated that in reading through their requirements, a fellow would meet the educational criteria for a Class IV permit. She suggested including in the rules acceptance of evidence of successful training from the American Dental Society of Anesthesiology. This discussion will be table until next month.

Environmental Scan:

Ms. Poe reported the Environmental Scan section of the agenda is an opportunity for the Board to let the division know of upcoming issues and for the division to let the board know of any issues that may need attention.

Ms. Policelli reported on the AADE Mid-Year meeting. She reported there were two major topics of discussion. The first discussion was regarding the need for a PGY-1 and whether or not there should be an assessment of graduates of PGY-1 programs for licensure. She indicated the ADA has not yet supported a PGY-1; the American Student Dental Association opposes the PGY-1 as a requirement for

licensure but approves it as an option. The ADEA opposes the PGY-1 as another pathway for licensure. Ms. Policelli reported New York is the only state that does not recognize any exam, but requires the PGY-1. Ms. Policelli indicated proponents of the PGY-1 refer to the volume of new information available and a growing curriculum in the programs and feel an extra year is needed to enhance learning and competence. The supporters also indicated the 5th year would provide much needed help in underserved areas and is a means for students to ease into the profession. Board members indicated the PGY-1 appears to be a good program, but should be kept separate from licensure. Other Board members expressed concern that adding the PGY-1 is making dentistry into the medical model. Mr. Engar stated it would be cheaper to do 5 years of undergraduate instead of adding a post graduate year. This will increase the student's debt which could lead into more ethic violations. Ms. Policelli stated the other major topic of discussion were Ethical issues. Insurances are not reimbursing at levels dentists can repay their debt. There is also more pressure to achieve. Ms. Policelli stated ethics in the U.S. changes within communities and was an interesting discussion.

Acceptable documentation of approved continuing education:

Ms. Poe questioned what the Board considers acceptable documentation of attendance at continuing education courses. In the past, copies of the name badge have been accepted for attendance at the UDA seminars. Board members indicated certificates are not handed out. Ms. Poe indicated that for this renewal period, the Division will continue to accept the name badge as proof of attendance, but this issue will need to be addressed in the future.

Nominations for Citizen of the Year:

If there is someone the Board would like to nominate for citizen of the year, please let her know.

Next meeting:

The next meeting is scheduled for April 18, 2008.

Adjourned:

The meeting was adjourned at 11:55 a.m.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

April 18, 2008
Date Approved

(ss) Anna Policelli
Anna Policelli, Acting chair, Dentist/Dental Hygienist
Licensing Board

April 18, 2008
Date Approved

(ss) Laura Poe
Laura Poe, Bureau Manager, Division of Occupational &
Professional Licensing